

12782. Misbranding of oysters. U. S. v. Ivy L. Leonard and Thomas B. Leonard (I. L. Leonard & Co.). Plea of guilty. Fine, \$10. (F. & D. No. 18737. I. S. Nos. 6758-v, 15290-v, 15291-v.)

On September 19, 1924, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Ivy L. Leonard and Thomas B. Leonard, copartners, trading as I. L. Leonard & Co., Cambridge, Md., alleging shipment by said defendants, in violation of the food and drugs act as amended, in various consignments, namely, on or about December 11 and 12, 1923, respectively, from the State of Maryland into the State of Massachusetts, and on or about December 12, 1923, from the State of Maryland into the State of Illinois, of quantities of oysters which were misbranded. The article was contained in cans labeled variously: "Minimum 1 Gallon Volume"; "Selects Minimum Volume 1 Gallon"; "Minimum Volume 1 Gallon."

Examination of the article by the Bureau of Chemistry of this department showed that the cans contained approximately 5 per cent less than 1 gallon of oysters.

Misbranding of the article was alleged in the information for the reason that the statements "Minimum 1 Gallon Volume," "Selects Minimum Volume 1 Gallon," or "Minimum Volume 1 Gallon," as the case might be, borne on the cans containing the said article, were false and misleading in that the said statements represented that each of said cans contained 1 gallon of oysters, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of said cans contained 1 gallon of oysters, whereas, in truth and in fact, each of said cans did not contain 1 gallon of oysters but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On or about October 23, 1924, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$10.

HOWARD M. GORE, *Secretary of Agriculture.*

12783. Misbranding of cottonseed meal. U. S. v. 500 Sacks of Cottonseed Meal. Default decree of condemnation, forfeiture, and sale. (F. & D. No. 18803. I. S. No. 2425-v. S. No. E-4872.)

On June 24, 1924, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 500 sacks of cottonseed meal, remaining in the original unbroken packages at Buffalo, N. Y., consigned by the Hayes Grain Co., Little Rock, Ark., alleging that the article had been shipped from Little Rock, Ark., May 26, 1924, and transported from the State of Arkansas into the State of New York, and charging misbranding in violation of the food and drugs act. The article was labeled in part: (Tag) "Hayes Brand Cotton Seed Meal, * * * Guaranteed Analysis Protein 43% * * * Manufactured For Hayes Grain & Commission Co., Chicago, Ill."

Misbranding of the article was alleged in substance in the libel for the reason that the statement, "Hayes Brand Cotton Seed Meal, * * * 101 Lbs. Gross—100 Lbs. Net Guaranteed Analysis Protein 43%," was false and misleading and deceived and misled the purchaser, in that the said article was deficient in protein.

On August 19, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be sold by the United States marshal.

HOWARD M. GORE, *Secretary of Agriculture.*

12784. Adulteration of canned salmon. U. S. v. 50 Cases of Salmon. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 17896. I. S. No. 12510-v. S. No. E-4561.)

On November 5, 1923, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the District of Columbia, holding a district court, a libel praying the seizure and condemnation of 50 cases, each containing 4 dozen cans of salmon, at Washington, D. C., alleging that the article was being offered for sale and sold in the District of Columbia, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Rose Brand